



SCOP

NEWSLETTER

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Missouri State Committee of Psychologists

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New Legislative Changes to Psychology Statute

On July 14, 1989, Governor John Ashcroft signed into law House Bills 738 and 720. Passage of this legislation was a significant reward to all those individuals and organizations who put forth long and dedicated efforts to revise a number of statutes pertaining to professional licensing and to create a new licensing law. Not only did this legislation substantially rewrite the practice act for psychologists but it also made substantial changes to the practice act for professional counselors, created a licensing agency for clinical social workers and amended chapter 329 regulating cosmetologists.

This legislation resulted from the concerted contributions of the Missouri Psychological Association, the Missouri Association of Counseling and Development, the Missouri Chapter of the National Association of Social Workers and the State Committee of Psychologists. All of the interested parties are particularly appreciative of the efforts of the members of the General Assembly including Senators Norman Merrell and Harold Caskey and Representatives Joseph Treadway, Jerry Burch, Annette Morgan, Patrick Dougherty and Judy O'Connor. Recognition should also be given to Peter Vail, Bill Gamble, Sam Licklider and Ivan Schraeder.

Although the effective date of the legislation will be August 28, 1989, additional monies to provide for the additional staff and implementation of the changes to the psychologist statute may not be available until July 1, 1990. Upon approval of the budget central office staff will be able to begin the implementation of the health service provider certification. Licensees will be notified as soon as possible of the procedures to be followed in obtaining such certification. The SCOP Subcommittee on Rules and Regulations is currently working on rule changes as they pertain to the new legislation.

Pursuant to section 337.050.2 of the new legislation, the membership of the Committee will increase to eight — seven licensed psychologists and one public member, thereby providing for two additional licensed psychologists to be appointed to the Committee. As noted in this section, the Department of Economic Development, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. Specific information concerning the criteria for committee members may be found in the above section which follows. Anyone interested in submitting the name(s) of individuals to be considered for such appointments should do so as soon as possible in order for the Department to make recommendations to the Governor. Nominations should include a current vitae and be mailed to Mr. Tom Duncan, Director, Division of Professional Registration, P.O. Box 153, Jefferson City, MO 65102.

A copy of the revised legislation pertaining to the practice of psychology, as well as the two sections of the statute which were not repealed (337.055 and 337.060), begins on the following pages. Individuals interested in obtaining an actual copy of the Truly Agreed To And Finally Passed House Bills Nos. 738 and 720 in bill form may do so by contacting the House Bill Room, State Capitol Building, Jefferson City, MO 65101.

Revised Psychology Practice Act — Chapter 337

337.010. As used in sections 337.010 to 337.090 the following terms mean:

(1) "Committee", the state committee of psychologists;

(2) "Department", the department of economic development;

(3) "Division", the division of professional registration within the department of economic development;

(4) "Recognized educational institution":

(a) A school, college, university or other institution of higher learning in the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and was accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation; or

(b) A school, college, university or other institution of higher learning outside the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and maintained a standard of training substantially equivalent to the standards of training of those programs accredited by one of the regional accrediting associations approved by the Council of Postsecondary Accreditation.

337.015. 1. No person shall represent himself as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter. No person shall engage in the practice of psychology in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter unless otherwise exempt under the provisions of sections 337.010 to 337.090.

2. A person represents himself as a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or any term of like import, "psychometry", "psychometrics", "psychometrist", "psychotherapy", "psychotherapists", "psychoanalysis", "psychoanalyst", or variants thereof or when the person purports to be trained, experienced or an expert in the field of psychology, and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise; provided, however, that professional counselors licensed to practice under chapter 337, RSMo, or a physician licensed to practice pursuant to chapter 334, RSMo, who specializes in psychiatry, may use any of such terms except "psychology", "psychological", or "psychologist" so long as such is consistent with their respective licensing laws.

3. The "practice of psychology" within the meaning of this chapter is defined as the observation, description, evaluation, interpretation, treatment, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing, treating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychometric or psychological testing and the evaluation

or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and teaching and training of psychological competence. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; hypnosis; counseling; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

337.020. 1. Each person desiring to obtain a license as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Each applicant shall submit evidence satisfactory to the committee that he is at least twenty-one years of age, is of good moral character, and meets the appropriate educational and supervised training requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall license and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination offered by the committee, except that an applicant fulfilling the requirement of section 337.029 shall be licensed without examination.

4. Written examinations under sections 337.010 to 337.090 shall be administered by the committee twice each year to those applicants who meet the other requirements for licensure. The committee shall examine in the areas

of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the EPPP national examination in psychology or such other national examination in psychology which may be available.

5. If an applicant fails the examination, he shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

6. The provisions of this chapter shall not apply to hypnotherapists.

337.021. 1. The provisions of this section shall govern, except as provided in subsection 3 of this section, the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has completed a graduate program which is primarily psychological in nature prior to August 28, 1990; or

(2) A person who is matriculated in a graduate program which is primarily psychological in nature prior to August 28, 1990; provided that, such person who does not complete all requirements for initial licensure prior to August 28, 1996, shall be governed by the licensure requirements of section 337.025.

2. Each applicant shall submit evidence satisfactory to the committee that he either:

(1) Has received a doctoral degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least one year of satisfactory supervised professional experience in the general field of psychology, as defined by rule; or

(2) Received a master's degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least three years of satisfactory professional experience in the general field of psychology, as defined by rule.

3. Notwithstanding the provisions of subsection 1 of this section, an applicant who has received a doctoral degree from a graduate program which is primarily psychological in nature prior to August 28, 1990, may elect at his option to have his application and licensure evaluated under the provisions of either section 337.021 or 337.025.

4. The rules referred to in subsection 2 of this section shall be those rules as previously promulgated by the department pursuant to the provisions of sections 337.020 and 337.050 as were in force and effect on the effective date of this act.

337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that he has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association; or

(2) A program designated or approved, including provisional approval, by the American Association of State Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three semester hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such

as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience shall consist of a minimum of fifteen hundred hours of professional experience obtained in not less than twelve nor more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of less than twenty hours per week nor more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers shall involve and relate to the delivery of psychological health services. Postdoctoral supervised professional experience for other applicants shall be in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Postdoctoral experience for health service providers, either clinical or counseling psychologists, shall be obtained under the supervision of a licensed psychologist who is also a health service provider. Postdoctoral experience for nonhealth service providers, who are not clinical or counseling psychologists, shall be obtained under the supervision of a licensed psychologist, or a person approved by the graduate degree program from which the applicant received his doctoral degree, or a person approved by the committee.

6. The psychological activities of the applicant shall be performed pursuant to the supervisor's order, control, and full professional responsibility. The supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per week in face to face individual supervision. Group supervision shall not be acceptable for supervised professional experience. The supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face to face supervision due to vacations, illness, pregnancy, and other good causes.

337.027. For purposes of commencing and obtaining the postdegree supervised experience as provided in sections 337.010 to 337.090, an applicant shall be deemed to have met the educational requirements, either upon the conferral of the formal degree or at the time when all of the degree requirements established by the recognized educational institution for the degree have been met with the sole exception that the degree has not been formally conferred at a graduation program and the institution so certifies in writing to the committee.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction shall receive a license in Missouri, provided he meets one of the following criteria:

(1) He is a diplomate of the American Board of Professional Psychology;

(2) He is a member of the National Register of Health Service Providers in Psychology;

(3) He is currently licensed or certified as a psychologist in another state, territory of the United States, or the District

of Columbia whose current requirements are substantially equal to or greater than the requirements for licensure as a psychologist in the state of Missouri at the time the application is filed; or

(4) He is currently licensed or certified as a psychologist in a state, territory of the United States, or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

2. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed above will be eligible for health service provider certification after providing documentation acceptable to the committee of relevant education, training, and experience in the delivery of psychological health services.

337.030. 1. Each psychologist licensed under the provisions of sections 337.010 to 337.090, who has not filed with the committee a verified statement that he has retired from or terminated his practice of psychology in this state, shall register with the division on or before the registration renewal date. The division shall require a registration fee which shall be submitted together with the information required for such registration. Upon receipt of the required information and of the registration fee, the division shall issue a renewal certificate of registration. The division shall, when issuing an initial license to an applicant who has met all of the qualifications of this act and has been approved for licensure by the committee shall grant him, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a reasonable fee.

4. The committee shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

337.033. 1. A licensed psychologist shall limit his practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself out as a psychological health service provider unless the

psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 of this section, shall be defined as a licensed psychologist whose doctoral degree was in clinical or counseling psychology or a licensed psychologist who subsequent to receipt of his doctoral degree has successfully completed a recognized respecialization program in either clinical or counseling psychology from a recognized educational institution and who in addition has completed at least one year of postdoctoral supervised experience under the supervision of a licensed psychologist who is also a health service provider.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in clinical or counseling psychology, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A clinical or counseling psychology doctoral degree program or respecialization program accredited, or provisionally accredited, by the American Psychological Association; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the American Association of State Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A clinical or counseling psychology degree or respecialization program that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a clinical or counseling psychology program;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in the areas of either clinical or counseling psychology.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on the effective date of this act or who has been approved to sit for examination prior to the effective date of this act and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chap-

ter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee

may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

337.041. No official, employee, board, commission, or agency of the state of Missouri, county, municipality, school district, or other political subdivision shall discriminate between persons licensed under sections 337.010 to 337.090 and chapter 334, RSMo, when promulgating regulations or when requiring or recommending services which legally may be performed by persons licensed under sections 337.010 to 337.090 and by persons licensed under chapter 334, RSMo.

337.045. Nothing in sections 337.010 to 337.090 shall in any way limit:

(1) Qualified members of other professional groups such as teachers, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, licensed professional counselors, attorneys, social workers, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his employment; or

(3) Other persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist". Such persons may use the terms "psychological trainee", "psychological intern", "psychological resident", and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the committee. Nothing in this subsection shall be construed to apply to any person other than:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at a recognized educational institution;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this act;

(c) A qualified assistant employed by, or otherwise directly accountable to, a licensed psychologist; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered under sections 337.010 to 337.090; or

(5) The practice of psychology in the state of Missouri for a temporary period as hereinafter provided by a person who resides outside the state of Missouri, and who is licensed

or certified to practice psychology in another state and conducts the major part of his practice outside this state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period; or

(6) The provision of expert testimony by psychologists or other persons who are otherwise exempted by sections 337.010 to 337.090; or

(7) The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultations to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals; or

(8) School psychologists certified under the program standards of the National Association of School Psychologists who are employed in a duly accredited school so long as the individual is performing services within the scope of his employment for such school and within the scope of his education, training and experience; or

(9) Psychotherapy activities or services performed by an individual with a doctoral degree in anthropology; provided that said degree was received on or prior to December 31, 1989, and which was from an educational institution accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation; and provided further that said individual has completed at least twenty-four months of supervised clinical experience in psychotherapy under the supervision of a physician; or

(10) A social worker who has a master's or a doctorate degree from a college or university program of social work accredited by the council on social work education and who has twenty-four months of supervised clinical experience.

337.050. 1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on the effective date of this act is abolished. Nothing herein shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on the effective date of this act.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the department, upon the advice and consent of the senate. The department, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member, shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall, other than the public member, have been licensed as a psychologist in this state for at least three years.

Committee members shall reflect a diversity of practice specialties. To insure adequate representation of the diverse fields of psychology, the committee shall consist of at least two psychologists who are engaged full time in the doctoral teaching and training of psychologists, and at least two psychologists who are engaged full time in the professional practice of psychology. In addition, the first appointment to the committee shall include at least one psychologist who shall be licensed on the basis of a master's degree who shall serve a full term of five years. Nothing in this act shall be construed to prohibit full membership rights on the committee for psychologists licensed on the basis of a master's degree. If a member of the committee shall, during his term as a committee member, remove his domicile from the state of Missouri, then the committee shall immediately notify the director of the division, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

4. The public member shall be at the time of his appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated under this chapter. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgement of a licensee or a candidate for licensure.

5. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the secretary shall conduct the office of the chairperson.

6. Each member of the committee shall receive, as compensation, an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of his duties.

7. Staff for the committee shall be provided by the director of the department of economic development, through the director of the division of professional registration.

8. The governor may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to 337.090, to carry out the provisions of sections 337.010 to 337.090. No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo. The committee may promulgate, by rule "Ethical Rules of Conduct" governing the practices of psychology which rules shall be based upon the ethical principles promulgated and published by the American Psychological Association.

10. Any rule or portion of a rule promulgated pursuant to this section may be suspended by the joint committee

on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.

11. The committee may sue and be sued in its official name, and shall have a seal which shall be affixed to all certified copies or records and papers on file, and to such other instruments as the committee may direct. All courts shall take judicial notice of such seal. Copies of records and proceedings of the committee, and of all papers on file with the division on behalf of the committee certified under the seal shall be received as evidence in all courts of record.

337.055. Privileged communications, when.—Any communication made by any person to a licensed psychologist in the course of professional services rendered by the licensed psychologist shall be deemed a privileged communication and the licensed psychologist shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services.

(L. 1977 H.B. 255 § 10)

337.060. Licensed psychologist not to practice medicine.—Nothing in this chapter shall be construed as authorizing persons licensed and registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this state.

(L. 1977 H.B. 255 § 11, A.L. 1981 S.B. 16)

337.065. 1. Any person found guilty of violating any provision of sections 337.010 to 337.090 is guilty of a class A misdemeanor and upon conviction thereof shall be punished as provided by law.

2. All fees or other compensation received for services rendered in violation of sections 337.010 to 337.090 shall be refunded.

3. The committee shall inquire as to any violation of any provision of sections 337.010 to 337.090, and may institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.010 to 337.090.

4. Any person, organization, association or corporation who reports or provides information to the committee or the division pursuant to the provisions of sections 337.010 to 337.090 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

5. Upon application by the committee, the attorney general may on behalf of the committee request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.010 to 337.090 upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

6. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

7. Any action brought under this section may be in addition to or in lieu of any penalty provided by sections 337.010 to 337.090 and may be brought concurrently with other actions to enforce sections 337.010 to 337.090.

337.070. No person who has been licensed by the committee as a psychologist in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession.

337.085. 1. There is hereby established in the state treasury a fund to be known as the "State Committee of Psychologists Fund". All fees of any kind and character authorized under sections 337.010 to 337.090 to be charged by the committee or division shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund. Such funds, upon appropriation, shall be disbursed only in payment of expenses of maintaining the committee and for the enforcement of the provisions of law concerning professions regulated by the committee. No other money shall be paid out of the state

treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of the fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

3. All funds pertaining to the Missouri state committee of psychologists deposited in the state treasury to the credit of the committee of registration for the healing arts fund shall be transferred from that fund to the state committee of psychologists fund by the division director.

337.090. The committee and division in issuing licenses and in publishing the directory as provided in section 620.145, RSMo, shall not include or list the degree upon which the license or certificate was issued. Any person licensed on the basis of a master's degree who has then earned a doctoral degree may use the title "doctor" or hold himself out in his practice as a psychologist as having a doctoral degree so long as it is from an accredited institution of higher education and so long as the degree is relevant to the practice of psychology.

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